

Shawn Wayne Kinningham
Plaintiff's Full Name(s)

65180-066
Prisoner or Registration Number
Dubois County Security Center
255 Bruehe Strasse
Street Address or Postal Box Number

Jasper, Indiana 47546
City, State and Zip code

FILED
U.S. DISTRICT COURT
EVALETT
2014 JAN 14 PM 1:59

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA

Civil Action No. 3:14-cv-3-RLY-WGH
(To be supplied by the Court)

Shawn W. Kinningham

Plaintiff(s)

Full Name(s) (Do not use *et al.*)

v.
Dr. Everson, Jail Commander
Randy Schnell, Dubois County
Sheriff Donnie Lampert,
Dr. William Hoke - ACH,
Dr. Greg Rakestraw - ACH,
Advanced Correctional Healthcare
(ACH)

Defendant(s).

Full Name(s) (Do not use *et al.*)

CIVIL RIGHTS COMPLAINT

I. PARTIES

A. Plaintiff's Information:

Name and Prisoner Number of Plaintiff: Shawn W. Minningham / USM No. 65180-016
Dubois County Security Center
Present Place of Confinement or Mailing Address 255 Brucke Strasse; Jasper, IN 47546

B. Defendant's Information: (Note to provide information about more defendants than there is room for here, use this format on another sheet of paper.)

Name of Defendant 1: ~~Dr. Ronald Everson~~ Dr. Ronald Everson
Title (if applicable): Doctor-for Dubois County Security Center / ACH
Address of Defendant: ^{Jr. 1.} 255 Brucke Strasse
Jasper, Indiana 47546
ACH: Advanced Correctional Healthcare 3922 W. Boring Trace, Florida, IL 61615
Name of Defendant 2: Hardy Schell
Title (if applicable): Jail Commander - Dubois County Security Center
Address of Defendant: 255 Brucke Strasse
Jasper, Indiana 47546
Name of Defendant 3: Donnie Lampert
Title (if applicable): Sheriff - Dubois County Sheriff's Dept.
Address of Defendant: 255 Brucke Strasse
Jasper, Indiana 47546

Name of Defendant 4: Dr. William Hoke
Title (if applicable): Doctor for - Dubois Co. Security Center / ACH ~~ACH~~
~~255 Brucke Strasse~~
~~Jasper, Indiana 47546~~

Address of Defendant: Jail: 255 Eruche Strasse; Jasper, Indiana 47546
AcH: 3922 W. Baring Trace; Peoria, IL 61615

II. JURISDICTION

Jurisdiction is invoked pursuant to 28 U.S.C. § 1331. (If you wish to assert jurisdiction under additional statutes, you may fill in the title and section below.)

_____ U.S.C. § _____

_____ U.S.C. § _____

III. BASIS FOR CLAIMS

Check any applicable item(s):

☒ Complaint Under the Civil Rights Act, 42 U.S.C. § 1983 (state, county, or municipal defendants)

☐ Complaint under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)

☐ Other (cite statute, if known) _____

IV. CLAIMS

BRIEFLY state the background of your case:

=(Shawn W. Kinningham) was under the care of Dr. Jose Garcia-Uega under going HRT (Hormone Replacement Therapy). I was arrested and detained May 2013. I requested through the Jail attending Doctors to be philed on ~~my~~ my medications as well as attempted to Speak with both the Sheriff as

Shawn Wayne Kinningham
65180 -066

Dubois County Security Center
255 Brucke Strasse
Jasper, Indiana 47546

Shawn W Kinningham, Plaintiff
V.

Dr. Ronald Everson, Jail Commander-Randy Schnell,
Dubois County Sheriff Donnie Lampert, Dr. William Holte-
Advanced Correctional Health (ACH), Dr. Greg Rakestraw -
Advanced Correctional Health (ACH), Advanced Correctional
Health, DEFENDANTS

Civil Rights Complaint
I. PARTIES

B. (Additional) Defendant's Information

Name of Defendant 5: Advanced Correctional HealthCare (ACH)

Title (if applicable):

Address for Defendant: 3922 W. Baring Trace
Peoria, IL 61615

Name of Defendant 6: Dr. Greg Rakestraw

Title: Directing Doctor-Advanced Correctional Healthcare

Address: 3922 W. Baring Trace
Peoria, IL 61615

well as the jail commander regarding my medications.
however I have been denied my medications.

(Include all facts you consider important, including names of persons involved, places and date. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

Claim 1: On or about June 2013 Plaintiff Shawn W. Minningham submitted a sick slip and was seen by Dr. Ronald Everson for HRT medications. Plaintiff was denied medications by Dr. Ronald Everson, along with other medications Plaintiff was receiving while in the custody of the Bureau of Prisons after reviewing Plaintiff's Medical Records.

Claim 2: On or about September 2013 Plaintiff Shawn W. Minningham wrote a note to the Jail Commander Randy Schnell and Sheriff Donnie Lampert addressing the issues concerning Dr. Everson. Plaintiff was advised that the Jail/Security Center Contracts with ACT for Medical Staffing and Plaintiff should talk to the Mental Health Counselor as well as the Doctor.

Claim 3: On or about October 2013 Plaintiff was seen by Dr. Everson and Plaintiff advised Dr. Everson of Plaintiff's concerns and asked why that he was not receiving any medication when in fact Plaintiff has a history of Mental ~~and~~ Illness and is Court ordered by the US District Court to under go Mental Health Counseling & seek an Evaluation as per requirements of his Federal Supervised release

Conditions. Plaintiff was on the following ~~the~~ Medications while in the Custody of the Federal Bureau of Prisons (in regards to his Mental Illness)

Mirtazapine (Remeron) 15 Mg

Trazodone (Desyrel) 50mg


Bupropion (Wellbutrin) 150mg

Doxepin (Sinequan) 150 mg

Plaintiff was then placed on 25mg of Doxepin. Plaintiff then complained to Dr. Ronald Everson as well as the Mental Health Counselor regarding Medications. Mental Health Counselor advised Plaintiff that he was not even being placed on the Minimum requirements of Doxpin when in fact Doxpin is suppose to be prescribed at 150mg tablets per day.


Mental Health Counselor advised plaintiff that she is not allowed to write prescriptions that she can only recommend to the Doctor what to prescribe and to what doses. Mental Health Counselor also advised plaintiff that she is having issues with Dr. Everson and she spoke with the Sheriff Jennie Lempert as well as her boss at Advanced Correctional Healthcare (ACH).

On December 27, 2013 Plaintiff was seen by the new attending Jail Doctor Dr. William Hoke and was advised that Dr. Ronald Everson was not supervising / seeing inmates at the jail anymore. Plaintiff advised Dr. William Hoke of medication issues and Dr. Hoke placed Plaintiff on 50mg of Doxpin. However denied HRT (Hormone

Replacement therapy) Medications. 

Plaintiff then advised and question whos policy stated that HRT Medications where not permitted. The Doctor (Hoke) informed Plaintiff that it was an "elective procedure". Plaintiff then advised that he was on HRT Med's before coming to jail and that Plaintiff was not seeking to have the jail and/or ACTH to conduct a Gender reassignment procedure. That plaintiff was only requesting his Medications.

After Dr. William Hoke who is employed by (ACTH) Advanced Correctional HealthCare consulted his boss Dr. Greg Riestraew (ACTH) Advanced Correctional HealthCare, he (Dr. Hoke) informed the Jail Commander Randy Schnell that they would not prescribe HRT Medications.

Plaintiff was also never properly assessed when seeing the Doctors  (Dr. Ronald Everson or Dr. William Hoke) when seeing them. Plaintiff was also reviewing his Medical Records and Doctor notes/assessments and a Correctional Officer (Glen Sanders) signed off on Dr. Eversons assessments as his nurse when in fact Officer Sanders is a Correctional Officer with no medical degree. Due to the above listed is a complete act of discrimination due to my gender identity as well as cruel and unusual punishment which is both a violation of my constitutional rights.

V. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment?

____ Yes ☒ No

If you answer is "Yes" describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits using this same format on a blank sheet which you should label "V. Previous Lawsuits and Administrative Relief".)

A. Parties to previous lawsuits:

Plaintiff(s): _____

Defendant(s): _____

B. Name and location of court and docket number:

C. Disposition of lawsuit. (For example, was the case dismissed? Was it appealed? Is it still pending?) _____

D. Issues raised: _____

E. Approximate date of filing lawsuit: _____

F. Approximate date of disposition: _____

2. I have previously exhausted available administrative remedies regarding the events or acts complained of in Part III of this complaint. ☒ Yes ☐ No

If your answer is "Yes", briefly describe how relief was sought and the result:

I (Shawn W. Hinnebaugh) attempted to speak with Dr. Everson as well as Dr. Hone. I made them aware of the medications that I was currently prescribed. In the beginning Dr. Everson whom is employed by ACH (a medical staffing company) whom has a contract with the Dubois County Security Center

informed me that he would have to check jail Policy as well as ~~the~~ ACTH's (Advanced Correctional Healthcare) policy. I never seen Dr. Everson again after this. I was then seen by the new attending jail Doctor Dr. William Hoke who denied medications after speaking with the Directing Doctor Dr. Greg Rakestraw ACTH.

I have filed a grievance and spoke with both the jail Commander (Barry Schell) as well as the Sheriff (Dennie Lampert) I have exhausted all available administrative remedies.

VI. PREVIOUSLY DISMISSED ACTIONS OR APPEALS

1. If you are proceeding under 28 U.S.C. §1915, please list each civil action or appeal you have brought in any court of the United States while you were incarcerated or detained in any facility, that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. Please describe each civil action or appeal using this format on a blank sheet which you should label "VI. Previously Dismissed Actions or Appeals".

A. Parties to previous lawsuit:

Plaintiff(s):

Defendant(s):

B. Name and location of court and docket number:

C. Grounds for dismissal:

() Frivolous

() Malicious

() Failure to state a claim upon which relief may be granted

D. Approximate date of filing lawsuit:

E. Approximate date of disposition:

VI. REQUEST FOR RELIEF

I request the following relief:

I request that the Court declare the ~~attors~~ defendants actions unconstitutional and order that I be permitted HRT Medications.

Signature of Attorney (if any)

Plaintiff's Signature

Date:

01/04/2014

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained in the complaint in **true and correct**.

Executed at Dubois Co. Security Center
255 Brucke Strasse
Jasper, IN 47546 on ~~01/04/2014~~ 01/04/2014
(Location) (Date)

County of Dubois Co. Indiana
City of Jasper
State of Indiana


Prisoner's Original Signature

Jan. 4. 2014